

Medway Council
Meeting of Councillor Conduct Committee
Wednesday, 16 December 2020
6.08pm to 6.57pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

Present: Councillors: Brake, Mrs Diane Chambers (Chairman) and Howcroft-Scott

In Attendance: Perry Holmes, Chief Legal Officer/Monitoring Officer
Michael Turner, Democratic Services Officer

557 Apologies for absence

Apologies for absence were received from Councillors Kemp, McDonald, Potter, Price and Tranter.

(During this period, the Conservative and Labour and Co-operative political groups had informally agreed, due the Coronavirus pandemic, to run meetings with reduced number of participants. This was to reduce risk, comply with Government guidance and enable more efficient meetings. Therefore the apologies given reflected that informal agreement of reduced participants).

558 Record of meeting

The record of the meeting held on 5 August 2020 was approved and signed by the Chairman as correct.

559 Urgent matters by reason of special circumstances

The Chairman announced one item of urgent business. The Monitoring Officer had received a request from three Parish Councillors who lived within the vicinity of a planning application to be granted a dispensation.

The Chairman had agreed that this business should be considered at this meeting as a matter of urgency as permitted under section 100B of the Local Government Act 1972 to enable the Committee to consider this item and determine whether to grant the dispensation requests. The Parish Council had sought an extension to comment on the planning application, and should the dispensations be granted, they had a meeting scheduled for Thursday 17 December 2020, to discuss.

560 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

561 Request for Dispensation

Discussion:

Members considered a report regarding three dispensation requests for three Parish Councillors who lived within the vicinity of a planning application. Three out of the four Parish Councillors were impacted.

The Monitoring Officer advised that St Mary Hoo Parish Council was made up of five Councillors, although one had recently resigned. Three of the four remaining Parish Councillors lived within close proximity to the site relating to a planning application for four 4-bedroom houses on the land behind Fenn House Farm, Fenn Street in St Mary Hoo. In addition, one of the three Parish Councillors was also the landowner of the site. Without dispensations being granted, St Mary Hoo Parish Council would not be able to meet to formalise a Parish Council response to the consultation of the planning application.

The Parish Council had sought an extension to the planning application consultation in order to seek dispensations to be able to formally meet, discuss the application and submit a response on behalf of the Parish Council.

The Committee considered the grounds on which dispensations could be granted (section 14 of the Code of Conduct) and also to what extent the application would impact on each of the three Parish Councillors individually in their personal capacity.

Having discussed the request, the Committee concluded that the interests of all three Parish Councillors were too significant and that where they lived effectively precluded them from making representations as a Parish Council. The Committee noted that each of the Parish Councillors could make representations individually in their personal capacity.

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Decision:

The Committee agreed not to approve the requests for granting dispensations from Parish Cllr Malcolm (Bill) Budd, Parish Cllr Carol Heyburn and Parish Cllr Paul Hassell to speak and/or vote in relation to the planning application regarding the land at the rear of Fenn House Farm, in which they each have an interest, for the reasons set out above.

562 Exclusion of the press and public

Decision:

That the press and public be excluded from the meeting during consideration of the exempt material relating to agenda item 6 because consideration of this matter in public would disclose information falling within Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 7, and, in all the circumstances of the case, the Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

563 Screening of Complaint CCC 2020/004

Discussion:

The Monitoring Officer introduced a report which detailed a complaint received on 5 November 2020 relating to a Medway Councillor. The Committee considered the complaint as detailed in section 2 of the report, along with the full complaint submissions, which were appended to the report.

Decision:

The Committee agreed that, having completed the Medway Council councillor conduct complaints screening process, the conduct of the Member in respect of complaint CCC 2020/004 was a potential breach of the code of conduct and should be referred to the relevant political group for resolution.

Reasons:

The Committee wished to express its disappointment that this was the fourth complaint against the Member subject to the complaint. The Committee wished to see that part of that resolution of the complaint by the Political Group should include supporting the Member by:

- Considering adopting a “buddy” system whereby another Member of the Group could support the Member concerned.
- Arranging training for anger management.
- Encouraging the Member to learn coping mechanisms to help with managing future situations.
- Asking the Member to reflect on the importance of councillors being seen to uphold high standards of behaviour.

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Chairman

Date:

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